

Remarks

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). Reconsideration and allowance of this application, as amended, are respectfully requested.

No previously presented claim has been amended. New claims 21-25 have been added. Claims 1-20 are now pending in the application, with claims 18-20 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1, 18, and 21 are independent. The sole rejection is respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

New claims 21-25 have been added to further define the scope of protection sought for this invention. Independent claim 21 defines an embodiment of the invention that includes the subject matter presented in pending claims 1 and 14. Claim 22 defines a feature of the invention described in the paragraph bridging specification pages 4/7 and 5/7. Dependent claims 23, 24, and 25 are analogous to, respectively, pending claims 13, 5, and 6. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) – Boger and Miller

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,687,137 to Boger et al.

(hereinafter "Boger") in view of U.S. Patent No. 5,609,711 to Miller. The examiner acknowledges that "Boger does not disclose the use of starch glue with supplying line extends to the application head" (Office Action page 2). But, the examiner asserts that "Miller discloses a similar device with the use of dispensing starch glue with supplying line extends to the application head with a diameter of valve being at least 5 mm, see for example (Fig. 3; via adhesive applicator device 28)." The examiner concludes that "it would have been obvious . . . to have modified Boger's device by having dispensing starch glue with supplying line extends to the application head with a diameter of valve being at least 5 mm, as suggested by Miller, in order to provide a starch adhesive system will minimize transfer of water to the plies of material being joined (column 4, lines 46-48)."

The rejection of claims 1-17 under § 103(a) based on Boger and Miller is respectfully traversed. For at least the following reasons, the combined disclosures of Boger and Miller would not have rendered obvious Applicant's claimed invention.

First, the combined disclosures of Boger and Miller simply do not teach each feature of Applicant's claimed invention. As indicated above, the examiner acknowledges that "Boger does not disclose the use of starch glue with supplying line extends to the application head."

And, regardless of what Miller may disclose with regard to a "significantly pregelatinized starch bearing adhesive

composition" (abstract), the disclosure of Miller fails to rectify other deficiencies of Boger. Applicant does not even understand the examiner's assertion that Miller teaches "a diameter of valve being at least 5 mm." To begin with, in paraphrasing claim 1, the examiner seems to have missed one important feature of Applicant's claimed invention. Applicant's claim 1 defines a device that includes a glue feed having "at least one *chamber* through which at least one part of the valves is fed with the glue *and which has a diameter of at least 5 mm* in at least one place." That is, the diameter of the *chamber* is at least 5 mm in at least one place, *not* the diameter of the valve. See, e.g., Applicant's description of the chamber 15's diameter: "the cross-section must be dimensioned in such a way that a circle having a diameter of 5 mm can be inscribed so as to ensure a continuous flow of glue to all the valves" (specification page 3/7, first full paragraph). See also the depiction of chamber 15 in Applicant's Figure 3.

Furthermore, Applicant's review of the Miller patent fails to discover any disclosure whatsoever relating to the diameter of a glue chamber, let alone Applicant's claimed requirement of "a diameter of at least 5 mm in at least one place."

Accordingly, even if the disclosures of Boger and Miller were combined as asserted by the examiner, the result would not be Applicant's claimed device.

Second, there is simply no teaching in either Boger or Miller that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicant's pending claims. Applicant respectfully submits that the examiner's asserted combination -- especially in view of the examiner's failure to describe how the combined disclosures would result in a device having each of Applicant's claimed features -- is an example of an *impermissible hindsight reconstruction*.

More specifically, as pointed out in Applicant's previous replies, Boger is directed to a technology area that is different from that of the instant invention. In fact, when comparing Applicant's claimed invention with Boger's teaching, it is clear that the apparatus itself, the product made by the apparatus, and the glue used in the apparatus, are all different from each other. Boger discloses a device that applies a *hot melt adhesive* to make a diaper. Applicant's device has a glue application head that applies a starch glue (i.e., a viscous cold glue) to make a cross bottom valve paper bag.

Applicant respectfully submits that if a person having ordinary skill in the art wanted to improve Boger's apparatus, he would never look to the teaching of Miller. Miller is directed to an apparatus for producing corrugated cardboard. Although cardboard usually consists of paper, the method of its production and the apparatus used therefor cannot realistically be compared with a base insert device. One important distinction is that with

the cardboard-making apparatus, there is no need to selectively open and shut the connection between the glue outlets and the glue feed. That is because in corrugated cardboard production the glue must be applied to the web over the complete width and the complete length.

Furthermore, assuming *arguendo* that one did make the examiner's asserted combination, he would be forced to replace Boger's application head with an application head as taught by Miller because Boger's application head is not suitable to supply starch glue. But then, the result would be an application head that does not include a valve that selectively opens and closes a connection between the glue outlet and the glue feed. And, with such an apparatus, it would not be possible to produce the cross bottom valve paper bags that Applicant's claimed device produces.

Accordingly, the combined disclosures of Boger and Miller would not have rendered obvious the invention defined by Applicant's claim 1. Claims 2-17 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

New claims 21-25 have been added to further define the scope of protection sought for Applicant's invention. New claims 21-25 are also allowable. Independent claim 21 defines an embodiment of the invention that includes the subject matter presented in pending claims 1 and 14. Since independent claim 21 includes at least the features discussed above with respect to the

rejection based on the Boger/Miller combination, the references neither anticipate nor would have rendered obvious the device defined by claim 21.

Claim 22 defines a feature of the "the glue supplying line includes boreholes or openings in a region of the application head." See Applicant's description of this feature in the paragraph bridging specification pages 4/7 and 5/7. An operational advantage of the embodiments of the device defined by claims 21 and 22 is that the application head can be moved in the direction of the tube, which is a direction perpendicular to the traveling direction of the pieces to be glued. Claims 22-25 are allowable because they depend from claim 21, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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